

**HARRIS**  
**36237-021803**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***FEBRUARY 18, 2003  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call. (Council Member Dowe was absent.)**

The Invocation was delivered by The Reverend Horace D. Light, Pastor, Hollins Road Church of the Brethren.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, February 20, 2003, at 7:00 p.m., and Saturday, February 22, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM) TO OBTAIN AN APPLICATION.**

## **2. PRESENTATIONS AND ACKNOWLEDGMENTS:**

Proclamation declaring Tuesday, February 18, 2003, as Jim Olin Day.  
**File #3**

Government Finance Officers Association Distinguished Budget Presentation Award.  
**File #60-80-299**

## **3. CONSENT AGENDA**

**(APPROVED 6-0)**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the regular meetings of Council held on Monday, November 20, 2000, and January 6, 2003.

RECOMMENDED ACTION: Dispense with the reading thereof and approve as recorded.

- C-2 A communication from the Honorable Ralph K. Smith, Mayor, requesting a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.  
**File #110-132**

- C-3           A communication from the City Manager requesting that Council schedule a public hearing for Monday, March 17, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed encroachment into a public right-of-way at 3308 Franklin Road, S. W.

RECOMMENDED ACTION: Concur in the request.

**File #28-322**

- C-4           Minutes of the Greater Roanoke Transit Company Audit Committee held on Monday, February 3, 2003.

RECOMMENDED ACTION: Receive and file.

**File #10-55**

- C-5           Minutes of the Roanoke City Audit Committee meeting held on Monday, February 3, 2003.

RECOMMENDED ACTION: Receive and file.

**File #10-280**

- C-6           A communication from the City Attorney requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

**File #83-132**

- C-7           A communication from the City Attorney requesting that Council convene in a Closed Meeting for consultation with legal counsel regarding a specific legal matter requiring the provision of legal advice by such counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.

**File #83-132**

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**

### **5. PETITIONS AND COMMUNICATIONS:**

- a. A request for endorsement by Council of a resolution recognizing the architectural and historic significance of the Fairacres property, 2713 Avenham Avenue, S. W. Alison S. Blanton, President, Roanoke Valley Preservation Foundation.

**The matter was deferred until the regular meeting of Council on Monday, March 3, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard.**

**File #216**

### **6. REPORTS OF OFFICERS:**

- a. CITY MANAGER:

**BRIEFINGS: NONE.**

#### **ITEMS RECOMMENDED FOR ACTION:**

1. A communication with regard to affirmative action and diversity initiatives for calendar year 2002.

**Received and filed.**

**File #184-411**

2. A communication with regard to workers' compensation supplemental pay inequities.  
**(Withdrawn by the City Manager.)**

3. A communication recommending amendment to the Fee Compendium relative to outdoor dining.

**Adopted Ordinance No. 36237-021803. (6-0)**  
**File #289-555**

4. A communication with regard to the Elm Avenue and Interstate 581 Interchange study.

**Adopted Budget Ordinance No. 36238-021803. (6-0)**  
**File #20-60-77**

5. A communication recommending transfer of funds for snow removal.

**Adopted Budget Ordinance No. 36239-021803. (6-0)**  
**File #60-410**

6. A communication in connection with funding for the Fifth District Employment and Training Consortium Welfare to Work Grant.

**Adopted Budget Ordinance No. 36240-021803. (6-0)**  
**File #60-246**

7. A communication with regard to renewal of the Roanoke Homeless Assistance Team Grant.

**Adopted Budget Ordinance No. 36241-021803 and Resolution No. 36242-021803. (6-0)**  
**File #60-178-236**

## **7. REPORTS OF COMMITTEES:**

- a. A report of the City Planning Commission transmitting the 2002 Annual Report.

**Received and filed.**  
**File #109-200**

- b. A communication from the Roanoke City School Board requesting appropriation of funds for various school accounts; and a report of the Director of Finance recommending that Council concur in the request.

**Adopted Budget Ordinance No. 36243-021803. (6-0)**  
**File #60-467**

## **8. UNFINISHED BUSINESS:**

- a. Discussion with regard to the First Street Bridge (pedestrian or vehicular).

**Council adopted a motion that design of the First Street Bridge be completed as soon as possible for vehicular one-way traffic and a pedestrian bridge; and that the City Manager be directed to identify a source of funds, including the possible use of CMERP reserve funds and Transportation Enhancement funds. (Mayor Smith and Council Member Wyatt voted no.)**  
**File #60-102-270**

## **9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

- a. Ordinance No. 36232, on second reading, amending and reordaining certain sections of the 2002-03 Capital Projects Fund Appropriations.

**Adopted Budget Ordinance No. 36232-021803. (6-0)**  
**File #20-60-316**

## **10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

**Council adopted a motion to name the newly renovated First Street Bridge in memory of the late Dr. Martin Luther King, Jr., and that the City work with the Southern Christian Leadership Conference (SCLC) with regard to design elements.**

**File #80-102**

**Adopted Ordinance No. 36244-021803 providing for conveyance of City-owned property located at the intersections of Gainsboro and Gainsboro Road and at Gainsboro and Harrison Road, to adjacent and nearby property owners. (6-0).**

**File #166**

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

## **11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**The following persons addressed Council with regard to the City's expanded application to sell alcoholic beverages at the Roanoke Civic Center, which application will be heard by the Commonwealth of Virginia Department of Alcoholic Beverage Control Board on February 20, 2003:**

**Ms. Karen Graybill, 4617 Casper Drive, N. E.**

**The Reverend Levi Dent, 119 Noble Avenue, N. E.**

**Mr. Juan Varr, 3106 Plantation Road, N. E.**

**Mr. Duane Howard, 508 Walnut Avenue, S. W.**

**Mr. Al Bedrosian, 8346 Cardington Drive, N. W.**

**Beth Doughty, President, Roanoke Regional Chamber of Commerce**



**Ms. Helen E. Davis, 35 Patton Avenue, N. E.  
Mr. Mike Pace, 10 Franklin Road, S. W.  
Calvin Johnson, Chair, Roanoke Civic Center Commission**

**A motion was adopted to request the Commonwealth of Virginia Department of Alcoholic Beverage Control Board to consider relocating the February 20 hearing scheduled to be held in the Bankruptcy Court in the Poff Federal Building to a location that will accommodate a larger number of persons.**

**File #66-192-322**

## **12. CITY MANAGER COMMENTS:**

**The City Manager expressed appreciation to Council for its leadership in regard to the First Street Bridge and for the naming of an appropriate site in memory of the late Dr. Martin Luther King, Jr., which are decisions that will bring the community closer together.**

**File #80-102**

### **CERTIFICATION OF CLOSED MEETING. (6-0)**

**The following persons were appointed/reappointed to Council-Appointed committees:**

**Personnel and Employment  
Practices Commission  
File #15-110-202**

**Virginia Stuart to fill the unexpired term of Jeannette E. Hardin, ending June 30, 2003.**

**Industrial Development Authority  
File #15-110-207**

**Allen D. Williams to fill the unexpired term of Stark H. Jones, ending October 20, 2006.**

**Parks and Recreation Advisory Board  
File #110-67**

**Mary F. Monk, Jim Hale, and Carl H. Kopitzke for terms ending March 31, 2006.**

**Advisory Committee - League of Older  
Americans  
File #110-243**

**Vickie F. Briggs for a  
term ending  
February 28, 2004.**

**Roanoke Regional Airport Commission  
File #9-15-110**

**James M. Turner, Jr.,  
for a term ending  
March 9, 2007.**

**Fair Housing Board  
File #15-110-178**

**Sherman V. Burroughs,  
Raymond Debose, Jr.,  
and Tuan Reynolds, for  
terms ending March 31,  
2006.**

**Hotel Roanoke Conference  
Center Commission  
File #15-110-247**

**William White, Sr., for a  
term ending April 8,  
2007.**

**Roanoke Valley Regional Cable  
Television Committee  
File #110-448**

**Delvis O. "Mac"  
McCadden for a term  
ending June 30, 2005.**

**AT 6:20 P.M., THE COUNCIL MEETING WAS DECLARED IN  
RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY  
COUNCIL CHAMBER.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***FEBRUARY 18, 2003  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order -- Roll Call. (All present)**

The Invocation was delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

Welcome. Mayor Smith.

**NOTICE:**

The meeting was televised live by RVTV Channel 3 to be replayed on Thursday, February 20, 2003, at 7:00 p.m., and Saturday, February 22, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **A. PUBLIC HEARINGS:**

1. Public hearing on a proposed amendment to the following sections of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), as amended: Section 36.1-164, Permitted uses, and Section 36.1-185, Permitted uses, to remove medical clinics as a permitted use in the CN, Neighborhood Commercial District, and the C-1, Office District; and amending and reordaining Section 36.1-165, Special exception uses, and Section 36.1-186, Special exception uses, to add medical clinics as a use permitted by special exception in the CN, Neighborhood Commercial District, and the C-1, Office District. Robert B. Townsend, Director, Planning, Building and Development.

**Adopted Ordinance No. 36245-021803. (6-1, Council Member Bestpitch voted no.)  
File #24-51**

2. Public hearing with regard to a proposal of the City of Roanoke to allow encroachment of an awning extending at least eight feet and eight inches above the sidewalk and approximately 30 inches into the public right-of-way at the corner of 1 West Campbell Avenue and Jefferson Street, S. W. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36246-021803. (7-0)  
File #28**

3. Public hearing on a proposal of the City of Roanoke to award a contract for lease and management of the Historic City Market Building. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36247-021803. (7-0)  
File #42-373**

## **C. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

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**The following persons spoke in regard to adoption by Council of a resolution opposing unilateral preemptive military action against Iraq by the United States of America:**

**The Reverend Rusty Dinkins-Curling, 2817 Cumberland Street, N. W.**

**Ms. Susie Fetter, 2923 Carolina Avenue, S. W.**

**Ms. Gene Edmunds, 2332 Rosalind Avenue, S. W.**

**Ms. Willow Dees, 517 Allison Avenue, S. W.**

**(No action was taken by the Council.)**

**File #132**

**Mr. Chris Craft, 1501 East Gate Avenue, N. E., spoke against the sale of alcoholic beverages at the Roanoke Civic Center. In recognition of his retirement as a local business man, Mr. Craft suggested that Council honor Delegate A. Victor Thomas for his contributions to the community. File #66-80-192**

**Mr. Robert Gravely, 3860 Hershberger Road, N. W., expressed concern with regard to the overall condition of the City of Roanoke.**

**File #66**

**THE CITY COUNCIL MEETING WAS DECLARED IN RECESS UNTIL THURSDAY, FEBRUARY 27, 2003, AT 10:00 A.M., AT THE ROANOKE REGIONAL TRAINING CENTER, 1220 KESSLER MILL ROAD, SALEM, VIRGINIA, FOR A JOINT MEETING OF THE ROANOKE CITY COUNCIL AND THE ROANOKE COUNTY BOARD OF SUPERVISORS TO DISCUSS A REGIONAL WATER AND SEWER AUTHORITY.**